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TRANSCRIPT OF PROCEEDINGS

Before the

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

IN THE MATTER OF:

DOCKET NO.: 92-35

PARRISH, ALABAMA

DATE OF HEARING: MAY 27, 1992 VOLUME: 1  
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CAROL J. THOMAS STENOTYPE  
REPORTING SERVICES, INC.  
3162 MUSKET COURT  
FAIRFAX, VIRGINIA 22030  
(703) 273-9221

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

-----X  
:  
In the Matter of: : VOLUME 1  
:  
PARRISH, ALABAMA : Docket No. 92-35  
:  
-----X

The above-entitled matter came on for Prehearing  
Conference, pursuant to notice, via telephone, before  
RICHARD L. SIPPEL, Administrative Law Judge, at 2000 L  
Street, N.W., Courtroom 2, Washington, D.C., Wednesday, May  
27, 1992, at 9:00 a.m.

APPEARANCES:

On Behalf of Brown Communications:

JIMMIE D. BROWN

40002 McIngvale Road

Fernando, Mississippi 38236

On Behalf of the Mass Media Bureau:

Y. PAULETTE LADEN, ESQUIRE

Federal Communications Commission

Hearing Branch

2025 M Street, N.W.

Washington, D.C. 20554



CAROL J. THOMAS STENOGRAPHIC  
REPORTING SERVICES, INC.

3162 MUSKET COURT  
FAIRFAX, VIRGINIA 22030  
(703) 273-9221

## 1 P R O C E E D I N G S

2 JUDGE SIPPEL: We are on the record. Mr. Brown,  
3 you're on the long distance telephone connection here in the  
4 courtroom.

5 My name, I am Judge Sippel, and this is our first  
6 prehearing conference in the, in the revocation case involving  
7 Brown Communications, licensee of station WKIJ AM in Parrish,  
8 Alabama.

9 Would you identify yourself for the record at this  
10 time, your full name and your address, your telephone number,  
11 and your affiliation with the station?

12 MR. BROWN: This is--I'm Jimmie Dan Brown  
13 representing Brown Communications, station WKIJ AM, Parrish,  
14 Alabama.

15 I reside at the address of 40002 McIngvale Road,  
16 Fernando, Mississippi, 38236. At this time, my telephone  
17 number is 429-2--I forgot my telephone number. I'm sorry.

18 JUDGE SIPPEL: What is the area code of your  
19 telephone number?

20 MR. BROWN: Area code is 601-429-1298 is the  
21 telephone number.

22 JUDGE SIPPEL: Area 601-429-1298?

1 MR. BROWN: Yes.

2 JUDGE SIPPEL: 601, where is that area code?

3 MR. BROWN: That's Mississippi.

4 JUDGE SIPPEL: All right. Now would you spell the  
5 name of your street that you live on?

6 MR. BROWN: McIngvale, M-C-I-N-G-V-A-L-E.

7 JUDGE SIPPEL: All right. And the station is  
8 located in Parrish, Alabama, is that correct?

9 MR. BROWN: Yes, sir. That's the city, yes, sir.

10 JUDGE SIPPEL: Where is that? How far are you from  
11 Parrish, Alabama?

12 MR. BROWN: Oh, I'm a couple of hundred miles.

13 JUDGE SIPPEL: We will come back and ask some more  
14 questions about that.

15 MR. BROWN: Okay.

16 JUDGE SIPPEL: What is your connection with the  
17 licensee, though? Are you the owner?

18 MR. BROWN: Yes, sir, I'm the owner, one of the  
19 owners. It's a partnership.

20 JUDGE SIPPEL: Who else is in this with you? Who is  
21 the other partner?

22 MR. BROWN: My brothers and my wife.

1 JUDGE SIPPEL: Let me have their names, please.

2 MR. BROWN: My wife is Sherry Ann Brown.

3 JUDGE SIPPEL: How do you spell Sherry?

4 MR. BROWN: S-H-E-R-R-Y.

5 JUDGE SIPPEL: A-N-N for Ann?

6 MR. BROWN: Yes, sir.

7 JUDGE SIPPEL: And that's Brown? That's your wife?

8 MR. BROWN: That's my wife.

9 JUDGE SIPPEL: And your brother's name?

10 MR. BROWN: My brother's name is Herman,

11 H-E-R-M-A-N, Brown.

12 JUDGE SIPPEL: And they are both partners?

13 MR. BROWN: Sixteen percent; the wife is 1 percent.

14 Herman is 16 percent. Chester, Chester Grady Brown,

15 C-H-E-S-T-E-R, G-R-A-D-Y, Brown, 16.

16 JUDGE SIPPEL: Is he a brother also?

17 MR. BROWN: Yes, sir.

18 JUDGE SIPPEL: Anybody else?

19 MR. BROWN: David Lee Brown, D-A-V-I-D, L-E-E,

20 Brown, he is 16 percent.

21 JUDGE SIPPEL: Anybody else?

22 MR. BROWN: That's all.

1 JUDGE SIPPEL: What is your percentage?

2 MR. BROWN: Fifty-one.

3 JUDGE SIPPEL: And is Brown Communications, is that  
4 a corporation?

5 MR. BROWN: No, sir.

6 JUDGE SIPPEL: What kind of a business, what is it?  
7 It's a partnership. You just told me that.

8 MR. BROWN: It's a partnership. I have that right  
9 here. It's a limited partnership agreement.

10 JUDGE SIPPEL: What is the date of that agreement?

11 MR. BROWN: It was made the 24th day of January,  
12 1983.

13 JUDGE SIPPEL: Made--what was it, the date, again?

14 MR. BROWN: 24th day of January, 1983.

15 JUDGE SIPPEL: Okay. Thank you. And you're  
16 proceeding pro se? By that I mean you're proceeding in this  
17 case without a lawyer, is that correct?

18 MR. BROWN: Yes, sir.

19 JUDGE SIPPEL: Do you have any intention to retain  
20 legal counsel?

21 MR. BROWN: Well, sir, no, sir, because I, I've  
22 talked to counsel up there, and I just can't afford that.

1 JUDGE SIPPEL: All right. I'm going to ask Bureau  
2 counsel to identify herself for the record at this time.

3 THE WITNESS: Okay.

4 JUDGE SIPPEL: Please identify yourself, please.

5 MS. LADEN: Yes, your Honor. My name is Paulette  
6 Laden. I'm appearing on behalf of the Chief of the Mass Media  
7 Bureau.

8 JUDGE SIPPEL: Can you hear her okay, Mr. Brown?

9 MR. BROWN: Yes, sir.

10 JUDGE SIPPEL: Very good. This is the first time at  
11 least that I was aware that there was a partnership entity  
12 involved here, but you are the controlling, you have got 51  
13 percent. You've got the control from what you've told us.

14 MR. BROWN: Yes, sir. I'm what the partnership  
15 calls the general partner. I'm the partner that is the active  
16 partner in the business.

17 JUDGE SIPPEL: All right. Can you tell me if  
18 you're, if you're over a hundred miles from the station? I  
19 mean even when the station was on the air, how does it operate  
20 if you're that far away from it?

21 MR. BROWN: Well, I have--my family operated, I had  
22 a son and a daughter that worked, and then I worked, I worked

1       at it three, four days a week I have worked at this job. I  
2       have, at Channel 3 Television, I worked, I worked Friday,  
3       Saturday, and until one o'clock on Sunday afternoon at it, and  
4       then I worked at the radio station most of the time Monday  
5       through Thursday, and sometimes when I couldn't do that, I  
6       worked weekends and, and of course, I have days that I was  
7       there the weekdays several of the weeks each month. At least  
8       one or two weeks each month, I was there at the station.

9               JUDGE SIPPEL: All right. Well, let me back up a  
10       little bit on this because now let me, let me ask you this--  
11       you say you have, you mentioned another radio station and you  
12       have a job with another radio station?

13              MR. BROWN: Well, I work for a television station.

14              JUDGE SIPPEL: TV station?

15              MR. BROWN: In Memphis, Tennessee.

16              JUDGE SIPPEL: What is that station?

17              MR. BROWN: WREG TV.

18              JUDGE SIPPEL: WREG TV in Memphis?

19              MR. BROWN: Yes, sir.

20              JUDGE SIPPEL: All right. And there you have  
21       been--and while the AM station was on the air, you were  
22       working also there at WREG?



1                   MR. BROWN: Yes, sir.

2                   JUDGE SIPPEL: And your days there would be Friday  
3 through Sunday?

4                   MR. BROWN: Well, for quite a long period of time,  
5 yes, sir. Not all the time.

6                   JUDGE SIPPEL: Well, I just want to get it in a  
7 general way because I'm trying to understand what, you know,  
8 I'm trying to get a picture here of, a snapshot of what, what  
9 is involved with your connection and your distances, that type  
10 of thing.

11                   Now how far is Memphis from Parrish, Alabama?

12                   MR. BROWN: It's about the same. It's about the  
13 same distance. I'm just down the road. You may not know that  
14 Memphis, Tennessee is right on the line of Tennessee and  
15 Mississippi, and I live right down the road about 15 miles  
16 from Memphis at this time.

17                   JUDGE SIPPEL: So give me those numbers again. How  
18 far from Memphis to Parrish?

19                   MR. BROWN: It's about 200 miles.

20                   JUDGE SIPPEL: About 200 miles?

21                   MR. BROWN: Yes, sir.

22                   JUDGE SIPPEL: All right. Just a second. Now this

1 is--and you worked at the station, when it was on the air, you  
2 worked there from approximately--well, it was five days a week  
3 that you were working at the station?

4 MR. BROWN: Well, I worked approximately six years  
5 between the two stations with only two days off give or take  
6 in that period of time because of work. It takes about three  
7 and a half hours for me to drive from here to the station.

8 JUDGE SIPPEL: Three and a half hours, all right. I  
9 hear you, but am I correct, is my, is my general understanding  
10 accurate that you were working at WKIJ about five days a week,  
11 and you were working at the TV station about two days or  
12 roughly two days a week?

13 MR. BROWN: Well, I worked, I worked two sixteen  
14 hour days on Friday and Saturday and one eight hour day on  
15 Sunday until my shift started at five o'clock in the morning  
16 and went to nine o'clock at night on Friday and Saturday,  
17 and on Sunday, I worked from five until one o'clock, and I was  
18 back at the station by five o'clock on Sunday afternoon.

19 JUDGE SIPPEL: For how many years were you doing  
20 that?

21 MR. BROWN: I was doing that for, well, since most  
22 of the time since we started in 1983, sir.

1 JUDGE SIPPEL: 1983?

2 MR. BROWN: Yes, sir, until June the 25th of '90  
3 when we, when we went silent.

4 JUDGE SIPPEL: All right. I hear you. Now who else  
5 was working at that--between nineteen, those dates that you  
6 just gave me, you said something about a son and a daughter.

7 Who else?

8 MR. BROWN: Well, I have a son that he worked, he  
9 was the, in charge of the station while I was gone. James Dan  
10 Brown was, he was the operator and he worked the console and  
11 kept the records and made sure logs and all that was done, and  
12 then of course we had, we had other people that worked for us,  
13 too.

14 JUDGE SIPPEL: Now wait a minute. Let me take that  
15 again.

16 Was this--this is--your son's name was what? Dan  
17 Brown?

18 MR. BROWN: James.

19 JUDGE SIPPEL: James Brown?

20 MR. BROWN: James Dan.

21 JUDGE SIPPEL: I'm sorry. Give it to me again.

22 MR. BROWN: James was the chief operator of the

1 station or the manager while I was away, and he, he worked  
2 some of the on-air shifts. He also kept up the logs, made  
3 sure the logs were printed and the logs were kept and all the  
4 every-day duties of the station was carried out.

5 JUDGE SIPPEL: His name is James Brown, is that  
6 right?

7 MR. BROWN: Yes, sir, a-ha.

8 JUDGE SIPPEL: All right. And he was a paid  
9 employee?

10 MR. BROWN: Yes, sir.

11 JUDGE SIPPEL: Now who else worked at the station?

12 MR. BROWN: Well, my, my--I have a daughter that  
13 worked.

14 JUDGE SIPPEL: What is her name?

15 MR. BROWN: Her name is Susan, S-U-S-A-N.

16 JUDGE SIPPEL: It was Brown, or does she have a  
17 married name?

18 MR. BROWN: She is Brown.

19 JUDGE SIPPEL: What did she do?

20 MR. BROWN: Well, she was, she also worked on the,  
21 she was on the air board, air shift, and other duties that  
22 needed to be done.

1 JUDGE SIPPEL: Anybody else?

2 MR. BROWN: That's all in the family other than the  
3 wife. She, she just worked as part-time as we needed things  
4 done, special things that she would do.

5 JUDGE SIPPEL: Where did James and Susan live?  
6 Where are they residing?

7 MR. BROWN: They were at home.

8 JUDGE SIPPEL: Where is home for them?

9 MR. BROWN: It's, it was Route 10, Box 138, Jasper.

10 JUDGE SIPPEL: They were in Jasper. What state?

11 MR. BROWN: Alabama.

12 JUDGE SIPPEL: All right. And is that, is that  
13 close to Parrish?

14 MR. BROWN: Well, yes, sir. It's about six miles  
15 from, from Parrish.

16 What had happened, we had, in 1985, we had a tornado  
17 to come through Parrish and just about--Parrish is a small  
18 town, and we had a, in August of '85, we had a tornado come  
19 through and just about blow the little town away and blew part  
20 of our building that we were in, the roof off of, and we asked  
21 permission from the Commission to relocate our studio, and at  
22 the time, we were hard up for a place to, to move without

1 great expense of building and buying property, so we, we opted  
2 to move to Jasper, which is a county seat of Walker County,  
3 located about six miles from, from Parrish, and so that's what  
4 we did. The Commission gave us permission to move to, to the  
5 address on 314 Highway 78 West in Jasper, and it, that's where  
6 we had the studio at.

7 JUDGE SIPPEL: All right. How big is Parrish?

8 MR. BROWN: Parrish is about between fifteen and two  
9 thousand people.

10 JUDGE SIPPEL: How big is Jasper?

11 MR. BROWN: Jasper is twelve or thirteen thousand.

12 JUDGE SIPPEL: All right. As I say, I'm not taking  
13 this as evidence today. I'm trying to get some background to  
14 familiarize myself with, with the, with exactly factually what  
15 is going on out there. I should say down there.

16 All right. Let me move on now. Latter--the purpose  
17 for today's conference is to get ready for what is going to be  
18 done on the 29th of June.

19 MR. BROWN: Yes, sir.

20 JUDGE SIPPEL: Actually there is two key dates--June  
21 the 22nd when you're going to have to serve a, deliver a trial  
22 brief to the Bureau counsel and myself, and June the 29th, the

1 following week. Both of those are Mondays, the 22nd and the  
2 29th--and June the 29th when you have to come up here to go to  
3 hearing.

4 Now I think we ought to lay that, we ought to get  
5 that established right up front about where, you know, your  
6 participation at the hearing.

7 Has there been any request, specific request to take  
8 your testimony by telephone?

9 MR. BROWN: We have talked about maybe--talked about  
10 that, Ms. Laden

11 JUDGE SIPPEL: Let me ask Ms. Laden to respond to  
12 that.

13 Can you tell me where that stands?

14 MS. LADEN: Yes, Your Honor. We would oppose  
15 hearing, having the hearing by telephone.

16 JUDGE SIPPEL: But he has asked for it?

17 MS. LADEN: Well, he hasn't made a request, a formal  
18 request of the Commission or of Your Honor. He discussed it  
19 with me. He asked what our position would be.

20 I pointed out that under the rules, if I opposed the  
21 request, that, that it would not be possible to do it, and I  
22 imagine that's why it wasn't requested, but I told Mr. Brown

1       that the Bureau would oppose the request to have, to have him  
2       appear at the hearing by telephone.

3               JUDGE SIPPEL: All right. Well, let me, let me  
4       just, so that I'm not wasting any of your time on this, Mr.  
5       Brown, if you want to, you could make a formal request to  
6       participate by telephone, and I would rule on it.

7               When I say formal, you could put it in writing in  
8       terms of a motion or a written request and submit it to me,  
9       and the Bureau would respond to it, and then I would rule on  
10      it, but I think it's going to save a lot of time if I just  
11      tell you right up front what I feel is necessary here.

12              MR. BROWN: Okay.

13              JUDGE SIPPEL: Since I've read the request for  
14      admissions and your response to the request for admissions,  
15      and there are very important factual issues in there, for  
16      example, with respect to your having received or not received  
17      things in the mail and how you have interpreted what your  
18      obligations were in light of the facts that were occurring at  
19      the time.

20              MR. BROWN: Yes, sir.

21              JUDGE SIPPEL: Plus the information that you have  
22      given me here I say informally--I mean this is, you have said



1       it and it's on the record, but you're not under oath, so I'm  
2       assuming everything that you have told me here nonetheless is  
3       still true and accurate, but--and you do have an obligation to  
4       be true and accurate with me today even though you're not  
5       under oath, but I'm--

6               MR. BROWN: I am doing the best I can, sir.

7               JUDGE SIPPEL: I'm assuming that, so that's not a  
8       problem. I'm just saying that for the record, but I want to  
9       get back to this.

10              I feel that as the, as the judge in this case, it's  
11      going to be necessary for me to observe you testify to these  
12      facts and to be in a position to ask you questions and to  
13      perhaps have documents put in front of you and so that it's  
14      clear for the reporter that you're looking at the documents.

15              MR. BROWN: Yes, sir.

16              JUDGE SIPPEL: The long and short of it is what I'm  
17      saying is that I can't see myself trying this case without you  
18      being up here.

19              MR. BROWN: Yes, sir.

20              JUDGE SIPPEL: So if you did submit a formal  
21      request, I would deny it for that reason alone, and in  
22      addition to that, Ms. Laden is absolutely right. The rules

1       require that before testimony in a case can be taken over the  
2       telephone, all the parties to the case have to agree to it.

3               MR. BROWN:   Yes, sir.

4               JUDGE SIPPEL:   And the Bureau wouldn't agree to it  
5       any way.

6               MR. BROWN:   Yes, sir.

7               JUDGE SIPPEL:   So I think we ought to put that issue  
8       behind us.

9               MR. BROWN:   All right, sir.

10              JUDGE SIPPEL:   And get your commitment here that you  
11       will be up here to try this case on the 29th of June.

12              MR. BROWN:   If nothing don't happen, I will be there  
13       June the 29th, the day before, to look the place over and find  
14       where we are going to be and all that.

15              JUDGE SIPPEL:   You would be very well advised to do  
16       that.   You could come up on a Sunday.   The 29th is a Monday.  
17       You can come up on a Sunday.   It will be a lot easier getting  
18       from the airport to wherever you're going to be staying.

19              MR. BROWN:   Well, I will have to drive up, sir.

20              JUDGE SIPPEL:   You can drive up.   You can drive up.  
21       Well, leave yourself enough time.   That's all.

22              MR. BROWN:   I'll leave Saturday, the 27th, and be up

1       there on Sunday to look, and then be there Monday morning.

2               JUDGE SIPPEL: All right. Well, get yourself a good  
3       map. Just get yourself a good map. You know, we are on the  
4       west side of town.

5               MR. BROWN: I would like to have that address and  
6       the courtroom and what I'm expected to be at. I don't have  
7       that at the time. Wouldn't there be some way I could get that  
8       between now and then?

9               JUDGE SIPPEL: I will give it to you right now over  
10      the phone. It's 2,000 L Street, and that's L Street,  
11      Northwest.

12              MR. BROWN: M Street or L Street?

13              JUDGE SIPPEL: L as in Louisiana.

14              MR. BROWN: Okay.

15              JUDGE SIPPEL: It's L, 2,000 L Street, Northwest,  
16      and the courtrooms for the judges are up on the second floor  
17      of that office building.

18              MR. BROWN: Okay.

19              JUDGE SIPPEL: There is all day, parking all day and  
20      all night. There is 24-hour parking in the building. It's  
21      rather expensive, but I think the rate is something like close  
22      to \$10 a day.

1 MR. BROWN: All right, sir.

2 JUDGE SIPPEL: I say expensive. That is, probably  
3 by Parrish standards, that's probably pretty outrageous, but  
4 that's--if you need more information, you can call Ms. Laden.  
5 You can call my legal technician, Janice Myles, M-Y-L-E-S, and  
6 we are at Area Code 202-632-7239.

7 MR. BROWN: 7239; what was the first two? Three,  
8 two?

9 JUDGE SIPPEL: Area code is 202.

10 MR. BROWN: Yes, sir.

11 JUDGE SIPPEL: And the first three digits are 632.

12 MR. BROWN: All right, sir--7239?

13 JUDGE SIPPEL: That's affirmative.

14 MR. BROWN: All right, sir.

15 JUDGE SIPPEL: Now--

16 MR. BROWN: That's Ms. Myles?

17 JUDGE SIPPEL: That's Ms. Myles, who is my legal  
18 technician or my secretary.

19 MR. BROWN: All right, sir.

20 JUDGE SIPPEL: Now I want you to know this. This is  
21 very important to understand. If you don't show up for that  
22 hearing on Monday, the 29th, you would be in default.

1                   MR. BROWN: Yes, sir. I know that.

2                   JUDGE SIPPEL: And that means that you could lose  
3 the whole case just by virtue of the fact of not being here.

4                   MR. BROWN: Oh, I'm not going to do that.

5                   JUDGE SIPPEL: All right. Now the other thing is  
6 that it's very important that you get what I call the trial  
7 brief, you get that filed with the Commission on the 22nd of  
8 January--of June. I'm sorry--the 22nd of June.

9                   MR. BROWN: We can, I can have that in before then,  
10 can I not?

11                  JUDGE SIPPEL: You sure can.

12                  MR. BROWN: I'll have that up there way before then.

13                  JUDGE SIPPEL: That would be fine. Ms. Laden I'm  
14 sure would love to have it as early as she can get it.

15                  On the other hand, it's important that you pay  
16 attention to what you're doing with that document because  
17 that's going to be a very important document.

18                  MR. BROWN: All right, sir.

19                  JUDGE SIPPEL: When I say important document, I mean  
20 it's going to tell me how you're going to try your case, and  
21 I'm going to, to the extent that I find it usable, I'm going  
22 to be guided by what you're telling me in that paper, and the

1 same way with Mrs. Laden for her preparation, so it's a very  
2 important piece of paper in that sense, and I've outlined it  
3 in one of my orders. I have told you exactly what the  
4 elements are, that is, what goes into it.

5 You see my order of--do you have my orders in front  
6 of you?

7 MR. BROWN: Yes, sir, I do.

8 JUDGE SIPPEL: The one that's numberd 92M-413 that's  
9 released on April the 1st, 1992.

10 MR. BROWN: 92M-413.

11 JUDGE SIPPEL: Have you got that in front of you?

12 MR. BROWN: Yes, sir, I have.

13 JUDGE SIPPEL: You go down to the bottom of the text  
14 on the first page, and you see where I have got it started A,  
15 B, and then go over to the second page and it says C, D?

16 MR. BROWN: Yes, sir.

17 JUDGE SIPPEL: All right. Well, this is the, these  
18 are what I call, this is the elements of what goes into a  
19 trial brief.

20 MR. BROWN: Yes, sir.

21 JUDGE SIPPEL: If you were a lawyer, I wouldn't even  
22 be talking about this, but you're not an attorney, and I want

1 to be sure that you understand because I'm using some words in  
2 there that, that are technical words.

3 Let's start with capital A. Do you see that  
4 sentence?

5 MR. BROWN: Yes, sir.

6 JUDGE SIPPEL: Read it to me. What does it stay to  
7 you?

8 MR. BROWN: This is a faxed copy, and it's going to  
9 be kind of--a copy of a status report must be hand-delivered  
10 to the office of the presiding judge by 12--May the 22nd,  
11 1992. If further discovery is--

12 JUDGE SIPPEL: Wait just a second. I'm talking  
13 about 92M-413, and I'm talking about what is up above those.  
14 I'm not talking about the footnotesnow. Up above what you  
15 just read to me, you see where it has that, that sentence that  
16 says the parties shall file?

17 MR. BROWN: Yes, sir--file and submit concise trial  
18 briefs on June 22nd, 1992, including the following.

19 JUDGE SIPPEL: What does that say?

20 MR. BROWN: Proffer of what each party intends to  
21 prove.

22 JUDGE SIPPEL: Let's stop with that, that A, that a

1 proffer means that you write down what it is that you intend  
2 to prove. That's what a proffer means, so you write down the  
3 points that you intend to prove, and I would suggest that you  
4 be guided by what the, what--there is two things to guide you.  
5 The Bureau gave you a bill of particulars?

6 MR. BROWN: Yes, sir.

7 JUDGE SIPPEL: And the Bureau also gave you requests  
8 for admissions?

9 MR. BROWN: Yes, sir. I have both of those.

10 JUDGE SIPPEL: All right. Then you can--it's, the  
11 proffer of what you intend to prove is your version of the  
12 facts with respect to those points of information in the bill  
13 of particulars and what the Bureau is seeking to find through  
14 its request for admissions.

15 In other words, that's another--I would say the  
16 relevant factual information, and that's what you want, we  
17 want to hear, I want to hear or I want to see in your trial  
18 brief, your, your proffer. That's what you intend to prove in  
19 connection with those bills of particulars and requests for  
20 admissions.

21 MR. BROWN: Yes, sir.

22 JUDGE SIPPEL: And then anything else that you want



1 to put in; if you want to put in information about the  
2 background of the station, how it was organized, who the  
3 people, who these partners were, who works at the station, how  
4 you worked the station there plus the TV station, that's all  
5 well and good. That would be to your advantage it seems to me  
6 to have that in, but you don't need to spend an enormous  
7 amount of time on that what I would call background  
8 information.

9 You want to spend your time and your energy and your  
10 efforts on the bill of particulars, that is, the data, the  
11 information coming out of the bill of particulars and the  
12 documents that, that surround that are the background for the  
13 request for admissions.

14 MR. BROWN: Yes, sir.

15 JUDGE SIPPEL: Okay. Now that's what your proffer  
16 is. Then we come down to number B or item B for the trial  
17 brief.

18 What is B? What does it say to you in terms of the  
19 copy you have?

20 MR. BROWN: Well, brief summary of witnesses  
21 expected to testify to support the proffer of proof. That's  
22 if I have any witnesses to testify to support what I have in